

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**CHELSIE NITSCHKE AND CYNTHIA
GEORGE**

Plaintiffs,

v.

**VILLAGES AT FOREST VIEW, LLC;
VFV PARTNERS, LLC;
HOSTETTLER, NEUHOFF & DAVIS, LLC
d/b/a HND REALTY, LLC; BERNARD L.
WEINSTEIN
d/b/a BERNARD L. WEINSTEIN &
ASSOCIATES;
BERNARD L. WEINSTEIN &
ASSOCIATES, LLC; and BACAR
CONSTRUCTORS, INC.**

Defendants.

Case No.: 3:24-cv-01342

JURY DEMANDED

**Judge William L. Campbell, Jr.
Magistrate Judge Alistair Newbern**

**BACAR CONSTRUCTORS, INC.'S MOTION TO EXTEND DISCLOSURE AND
DEPOSITIONS OF EXPERT WITNESSES DISCOVERY DEADLINE**

COMES NOW Defendant Bacar Constructors, Inc. (hereinafter, "Bacar"), by and through undersigned counsel and pursuant to the Federal Rules of Civil Procedure and the Local Rules of Court for the U.S. District Court for the Middle District of Tennessee, and hereby submits this *Motion to Extend Disclosure and Depositions Of Expert Witnesses Discovery Deadline* (hereinafter, the "Motion"). In support thereof, this Defendant would state as follows:

1. Plaintiffs Chelsie Nitschke and Cynthia George (collectively, “Plaintiffs”) filed their initial Complaint¹ against Defendants Villages at Forest View, VFV Partners, LLC, and Hostettler, Neuhoff & Davis, LLC d/b/a HND Realty, LLC on November 12, 2024.

2. Paragraph N of the Initial Case Management Order² provides, “Any motion to modify . . . any case management deadline . . . ***must also include (i) the trial date and all deadlines, even unaffected deadlines***, so that it will not be necessary for the Court to review one or more previous case management orders in consideration of the motion.”

3. The Initial Case Management Order in this matter provided various deadlines for the prosecution of this case which are as follows;

- a. A deadline to exchange initial disclosures pursuant Federal Rule of Civil Procedure 26(a)(1) by January 24, 2025;
- b. A deadline for Plaintiffs to identify and disclose all expert witnesses and expert reports by February 28, 2025
- c. A deadline for Defendants to identify and disclose all expert reports by March 28, 2025;
- d. A deadline to amend or add parties by April 14, 2025;
- e. A deadline to serve all written discovery by May 23, 2025;
- f. A deadline to file all motions related to fact discovery by no later than August 1, 2025;
- g. A deadline to complete all fact discovery by August 8, 2025;
- h. A deadline to file dispositive motions by September 12, 2025; and
- i. A target trial date of April 21, 2026.

¹ ECF Document No. 1.

² ECF Document No. 18.

4. Plaintiffs were granted leave, and subsequently filed, their Amended Complaint on March 17, 2025³ to add Bernard L. Weinstein, Bernard L. Weinstein & Associates, LLC, and Bacar Constructors, Inc. as defendants in this action.

5. Summons was issued to Bacar⁴ on March 25, 2025, three (3) days prior to the deadline for Defendants to submit experts and expert reports under the Initial Case Management Order.

6. It would have been impossible for Bacar to obtain an expert and produce an expert report three (3) days after receiving the Complaint.

7. Bacar requires an expert report to be able to fully understand the full scope of liability within this case.

8. As such, Bacar's failure to meet the deadline imposed by the Initial Case Management Order amounts to excusable neglect as it pertains to Federal Rule of Civil Procedure 60.

9. The requested extension will conform to the requirements of Local Rule 16.01(h)(1)

10. Counsel for Bacar certifies that, in accordance with Local Rule 7.01(a)(1), all other counsel have been consulted and do not oppose this Motion.

11. Based on the foregoing, Bacar respectfully requests that this Honorable Court grant its Motion and extend the deadline to disclose its expert report to August 1, 2025.

Respectfully Submitted,

/s/ Shannon M. Renne

³ ECF Document Nos. 23 and 24.

⁴ ECF Document No. 28

Gregory L. Cashion (No. 10697)
Shannon M. Renne (No. 42544)
SMITH CASHION & ORR, PLC
One American Center
3100 West End Avenue, Suite 800
Nashville, Tennessee 37203
(615) 742-8555
gcashion@smithcashion.com
srenne@smithcashion.com
*Counsel for Defendant/Cross-Defendant
Bacar Constructors, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this the **July 7, 2025**, a true and correct copy of the *Bacar Constructors, Inc.'s Motion to Extend Disclosure and Depositions of Expert Witnesses Discovery Deadline* was filed with the Clerk of the Court using the CM/ECF system, and that a true and correct copy of such filing was served on all known counsel of record listed below through the electronic filing manager, pursuant to the Federal Rules of Civil Procedure.

Eric G. Calhoun
Texas Bar No. 03638800
1595 N. Central Expressway
Richardson, Texas 75080
Telephone: (214) 766-8100
Facsimile: (214) 308-1947
eric@ecalhounlaw.com
egcla@ecalhounlaw.com (Assistant)

Benjamin E. Goldammer
Danica G. Suedekum
Kay Griffin, PLLC
222 Second Ave N # 340M
Nashville, Tennessee 37201
bg@kaygriffin.com
dgrosko@kaygriffin.com
615-742-4800

*Counsel for Villages at Forest View, LLC,
VFV Partners, LLC, and Hostettler, Neuhoff
& Davis, LLC d/b/a HND Realty, LLC*

M. Todd Sandahl, (No. 19167)
Attorney at Law
234 First Avenue South
Franklin, Tennessee 37064
Telephone: (615) 794-3450
Facsimile: (615) 794-3510
tsandahl@mtslaw.com

*Counsel for Cynthia George and Chelsie
Nitschke*

Brenden T. Holbrook
Smith Cashion & Orr, PLC
SMITH CASHION & ORR, PLC
One American Center
3100 West End Avenue, Suite 800
Nashville, Tennessee 37203
(615) 742-8555
jorr@smithcashion.com
bholbrook@smithcashion.com

*Counsel for Bernard L. Weinstein &
Associates, LLC*

/s/ Shannon M. Renne
Shannon M. Renne